

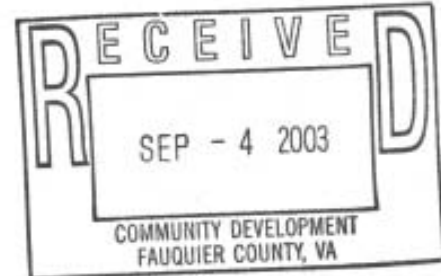
## COLE, RAYWID &amp; BRAVERMAN, L.L.P.

TERENCE S. COONE, ESQUIRE

ADMITTED IN DC AND MARYLAND

DIRECT DIAL  
202-828-9810EMAIL  
TSCOOKE@CRBLAW.COMATTORNEYS AT LAW  
1919 PENNSYLVANIA AVENUE, N.W., SUITE 200  
WASHINGTON, D.C. 20006-3458  
TELEPHONE (202) 859-9750  
FAX (202) 452-0067  
WWW.CRBLAW.COMLOS ANGELES OFFICE  
2381 ROSECrans AVENUE,  
SUITE 110  
EL SEGUNDO, CALIFORNIA  
90245-4290  
TELEPHONE (310) 643-7999  
FAX (310) 643-7997

September 4, 2003

Via First Class Mail and FacsimileMr. George N. Condyles, IV  
President, The Atlantic Group  
10197 Maple Leaf Court  
Ashland, Virginia 23005-8136Re: AT&T Wireless @ Martin Property; SE 03-CR-29

Dear Mr. Condyles:

AT&T Wireless Services, Inc. ("AWS") has reviewed the August 22, 2003 proposal by Atlantic Technology ("ATC") setting out the process and criteria you recommend be employed to verify AWS' need for a wireless telecommunications base station at the Martin Site. Simply stated, AWS regards the ATC proposal as too costly and far in excess of the standards and criteria typically applied in land development applications of the scale involved in this case. With ATC's estimated fees of \$9,500.00 and the additional costs to AWS to locate, transport, install and operate multiple temporary cell sites, AWS estimates that its costs for the mere opportunity to refute ATC's assessment that AWS' existing (or approved but not yet constructed) network sites are sufficient to provide wireless coverage in the area intended to be served by the Martin site would approach \$40,000 and possibly more.

You will recall that AWS requested the Fauquier County Board to defer its decision on its SE application because ATC's technical review dated August 12, 2003 seemed so totally inconsistent with the AWS drive test results that ATC was asked to consider following the Board's public hearing on July 21<sup>st</sup>. Those drive tests results, we believe, substantially refuted ATC's earlier report that AWS would receive sufficient signal coverage from its Crown/Catlett site to obviate the need for the Martin site. ATC's August 12<sup>th</sup> report similarly dismissed AWS' drive test data based, primarily, on ATC's stated reliance on spectrum analyzer data and its reported ability to place one or more calls from the vicinity of the Martin site using existing signal coverage in the area.

Because there is such a disparity between the RF signal strength results developed by AWS and ATC, AWS proposed a joint participation by AWS and ATC personnel in a duplication of their respective tests to conclusively determine whether it is indeed possible to place and hold a wireless call on AWS equipment in the area intended to be served by the Martin site. That seems a simple

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enough preposition. As Supervisor Graham observed at the Board's most recent meeting, both ATC and AWS believe their assessments are correct. We need only determine which is correct

In its several analyses of AWS' proposal, ATC has consistently asserted that the Martin site would, at best, be of marginal utility to AWS because the AWS installation on the Crown/Catlett tower would, by ATC's estimates, substantially serve much of the area that the Martin site is projected to serve. AWS believes that the drive test it performed rebuts that assertion. AWS further maintains that a live call test in the field will conclusively demonstrate that it is not possible to place and hold a call on the AWS network as one travels east on Dumfries Road from the location of the proposed Martin site in the direction of the Crown/Catlett tower. This is, of course, contrary to ATC's report and is precisely why AWS requested that the Fauquier County Board allow it an opportunity to get together with ATC reps so that each party could review with and explain to the other the methods used to obtain their respective results. AWS never anticipated that it would, or that it should, be asked to incur the type of expenses that would be required to follow the ATC-proposed test protocol.

As an alternative, AWS would agree to again set up a transmitter at the Elmore property and, with ATC participation, duplicate its drive test along Dumfries Road in the vicinity of that site. It will also duplicate its drive test of the Crown/Catlett site. As stated above, the objective here would be to demonstrate that a wireless call cannot be placed and held without "drops" along the portion of Dumfries Road from the location of the Martin site in the direction of the Crown/Catlett site.

The ability to intermittently obtain a signal from discrete locations within the test area is not probative of network coverage. The ability to hold a call as one travels through the area is what is important and it is here that AWS respectfully differs with the test methods and conclusions offered to date by ATC.

A second element of ATC's past analyses of the Martin site is its assertion that AWS can obtain its desired coverage objective with an 80' antenna height if it relocated its pole to higher ground. It has also been suggested that AWS is somehow being obstinate in its insistence that it needs a pole height of 105' when it could move to higher ground and use an 80' pole "by-right" under the Zoning Ordinance. Most recently, ATC has again suggested that AWS move its pole site 100 yards north on the property where the ground is higher.

As AWS has explained time and again before the Planning Commission and the Board of Supervisors, moving the pole farther back into the treed area would bring the pole to a location where the property owner intends to deed a portion of the property to another family member. That individual has made clear to AWS that, while she has no objection to the currently proposed pole location, she does not favor a pole site on the portion of the property that she will eventually own. The other alternative, relocating the site to higher ground outside the tree buffer, would take it out of the "by-right" category and require a Special Exception. Balloon tests at the site have demonstrated the minimal visibility of a 105' pole deep within a heavily wooded area where only

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the uppermost 10' feet of the pole will be visible and, at that, only from a few discrete points of high ground well distant from the site.

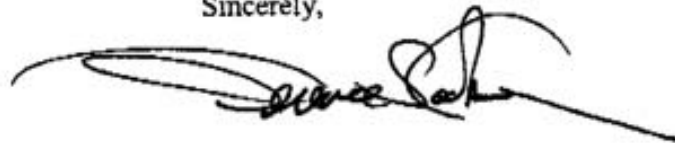
AWS also respectfully objects to the suggestion that it should underwrite the expenses of the County's retained consultant. AWS and any other wireless carrier in a similar situation should have the right to question, in good faith, the accuracy of the County consultant's findings without the "chilling effect" of what would be a nearly \$10,000 fee for the privilege. As suggested earlier, there exists far simpler alternative to the test protocol crafted by ATC and it is one more consistent to what AWS contemplated when it asked the County Board to defer its decision on the SE application: ATC may participate in and observe AWS' drive test and AWS will participate in and observe ATC'S spectrum analyzer and call connectivity tests which were the basis for the ATC report of August 12<sup>th</sup>. Assuming both parties approach the process with open minds, they should be able to agree if one or the other's test conclusively shows that reasonably good and consistent signal coverage exists along Dumfries Road without the Martin site.

As was stated by the County Board at its August 18<sup>th</sup> meeting, it is up to AWS to convince ATC that its "needs analysis" is accurate. AWS does not believe that the test protocol established by ATC is necessary to verify the accuracy of tests conducted thus far by either AWS or ATC. Either a call can be placed and held on AWS equipment or it cannot. If the test methods employed by ATC to date and which serve as the basis for ATC's August 12<sup>th</sup> report are replicated to demonstrate to AWS that the Martin site is unnecessary, AWS will concede the point; it's that simple. On the other hand, if AWS can demonstrate to ATC by drive-testing, observed by ATC, that a call cannot be placed or received and held, AWS would expect ATC to acknowledge that fact.

If this alternate needs assessment analysis is acceptable to ATC, AWS would like to set a date for AWS and ATC representatives to meet in Fauquier County and replicate their respective drive test and spectrum analyzer tests along with call connectivity and call-holding tests in the area intended to be served by the Martin site. It is unlikely that this can be accomplished in sufficient time for results to be made available to the County's Planning Department by September 12<sup>th</sup>. By copy of this letter, I am therefore requesting that the Department of Community Development inform Supervisor Graham and the Board of this alternate test proposal by AWS and request additional time to allow for the parties to complete the test as outlined above.

Thank you for your consideration of the foregoing.

Sincerely,



Terence S. Cooke

cc: Frederick P.D. Carr, Director, Dept. of Community Development  
Susie Lee, Bechtel Telecommunications